

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 30 are pending in the application and the Examiner rejected all claims.

Objections to the Drawings

On page 2 of the Office Action, the Examiner objected to the drawings for not showing every feature of the invention specified in the claims. While the applicant acknowledges that 37 CFR §1.83 requires that the drawings in a non-provisional application show every feature of the invention specified in the claims, applicant is not required to go into minute detail to illustrate conventional features. As set forth in 37 CFR § 1.83:

“... conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or labeled representation (e.g., a labeled rectangular box).” 37 CFR § 1.83(a).

Here, the applicant is not claiming to have invented data specific to landscaping elements nor any of the various data elements or structural elements mentioned by the Examiner. For example, the data elements are clearly represented by the database elements 136, 142, 143, and 144. The Internet is clearly illustrated by the network cloud 140. Wireless access is notoriously well known in the art and is, in fact, also illustrated by the network cloud 140. Applicant submits that it is unnecessary to modify the drawings, i.e., the drawings as submitted meet the requirements of 37 CFR §1.83.

Objections for the Specification

On page 3 of the Office Action, the Examiner has objected to the last line of the Abstract, has objected to the disclosure for containing embedded hyperlinks, and has objected to the use of the trademarks Internet and Google. Applicant has revised the Abstract, and has correctly used the words that the Examiner asserts are trademarks by capitalizing them. Further, applicant has amended the specification to include the designation of Google as a registered trademark.

Further, applicant has removed the use of embedded hyperlinks in the text. Accordingly, applicant submits that the objections to the specification are overcome.

Claim Rejections, 35 U.S.C. §112

On page 4 of the Office Action, the Examiner rejected claims 2-7 and 20-27 under 35 U.S.C. §112, second paragraph. Applicant has amended independent claims 1 and 19 to specifically recite the landscaping elements. Further, applicant has amended claim 9 to specifically recite in the preamble the existence of one or more moisture delivery systems being controlled by the inventive method. Accordingly, applicant submits that the claims now meet the requirements of 35 U.S.C. §112, second paragraph. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 112.

Claim Rejections, 35 U.S.C. §102

On page 4 of the Office Action, the Examiner rejected claims 1, 2, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,646,224 to Ransburg ("Ransburg"). On page 5 of the Office Action, the Examiner rejected claims 1-4, 11, 12, 14-16, 18-22, 29 and

30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,479,339 to Miller (“Miller”).

Rejections under 35 U.S.C. §103(a)

On pages 7 and 8 of the Office Action, the Examiner rejected claims 10 and 28 under 35 U.S.C. §103(a) as being unpatentable over Ransburg in view of U.S. Patent No. 5,706,191 to Bassett (“Bassett”) or in view of U.S. Publication No. 2003/0126295 to Doherty (“Doherty”). On page 9 of the Office Action, the Examiner rejected claims 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over Miller in view of U.S. Patent No. 6,697,712 to Bertini (“Bertini”). On page 10 of the Office Action, the Examiner rejected claims 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over Miller in view of U.S. Publication No. 2003/0182022 to Addink (“Addink”). On page 11 of the Office Action, the Examiner rejected claims 5-7 and 23-25 under 35 U.S.C. §103(a) as being unpatentable over Miller in view of U.S. Patent No. 5,400,815 to Whitehill. On page 12 of the Office Action, the Examiner rejected claims 8 and 26 under 35 U.S.C. §103(a) as being unpatentable over Miller in view of U.S. Patent No. 6,763,845 to Hoggard. On page 13 of the Office Action, the Examiner rejected claims 9 and 27 under 35 U.S.C. §103(a) as being unpatentable over Miller in view of U.S. Patent No. 5,870,302 to Oliver (“Oliver”) and further in view of Hoggard.

The Present Invention

The present invention is a residential automated moisture control network system that enables automated maintenance of moisture levels for residential landscaping features and

control of the systems that perform the maintenance operations using a personal computer. The invention factors in environmental conditions affecting the landscaping features and systems, including real-time weather forecasting, research regarding the different plants and grasses being maintained by the system, geographical information (soil, climate, etc.) for the region in which the landscaping features are situated, and real-time data regarding current moisture, temperature, and other environmental conditions. In a preferred embodiment, actual or forecast temperatures are monitored so that, in the event of actual or forecast freeze conditions, the system automatically suspends water delivery and flushes/drains the water delivery system to avoid system damage.

U.S. Patent No. 4,646,224 to Ransburg

U.S. Patent No. 4,646,224 to Ransburg ("Ransburg") teaches a sprinkler system including a controller having a manual data entry device, a processor, and a sprinkler controller. Ransburg includes a teaching of the use of a moisture sensor which is used to prevent automatic operation when a determined soil moisture level is exceeded. Ransburg also teaches the recognition that, in various seasons, water volume may need to be decreased during periods of increased rainfall and the amount of water may be increased during hot, dry periods.

U.S. Patent No. 5,479,339 to Miller

U.S. Patent No. 5,479,339 to Miller ("Miller") teaches a system and method for providing a cooperative control of irrigation between a groundskeeper having immediate supervision on plants to be irrigated and management personnel remotely located by using weather data and water

budget restrictions. The system utilizes historical or current weather data, along with signals from an atmometer that measures the rate of water evaporation at or near an irrigation station.

U.S. Patent No. 5,706,191 to Bassett

U.S. Patent No. 5,706,191 to Bassett ("Bassett") teaches an appliance interface apparatus and automated residence management system which is utilized to enable centralized control of home appliances, including HVAC system, water heater, lights, security system, internal telephone wiring, and other appliances. Bassett is relied upon by the Examiner as teaching residential control of these appliances. Bassett includes an acknowledgement that, in the prior art, sophisticated electronic automation systems may be utilized to control lawn sprinkler systems.

Rejection under 35 U.S.C. §102

Applicant has amended independent claims 1 and 19 to include the limitations of claims 10 and 18. These amendments render the rejection under 35 U.S.C. §102 moot. Applicant notes further that applicant has also amended the claims to more accurately state that the weather data and moisture data in the present invention is real-time data.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

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Independent claims 1 and 19, in their currently amended states, now require that the automatic yard moisture control system of the present invention utilize real-time moisture data and real-time weather data, and that they be residentially based using a simple personal computer (PC). While applicant admits that certain elements of the claimed invention are taught, separately, in the cited references, there is nothing in these references that would suggest to one of ordinary skill in the art to combine them to achieve the present claimed invention. Applicant has acknowledged that industrial systems exist, such as those used in theme parks, stadiums and the like, however, the applicant has developed the present claimed invention, which finds applicability in consumer-level, home-based environments, specifically, a residence. Nowhere in the cited references is there a suggestion of combining, or the need to combine, the references to achieve the claimed invention, a simple and easily usable home-based, PC-based irrigation management and control system. As set forth by the Federal Circuit in *In re Fritch*,

“[I]t is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious....” 977 F.2d 1260 (Fed. Cir. 1992).

Where, as here, the Examiner has used the claimed invention as a template, rather than pointing out where the suggestion in the prior art can be found to make the claimed combination, it is improper to reject the claims under 35 U.S.C. §103. Since each of the claims contain the above-cited elements, and since there is no teaching or suggestion in the cited references to lead one to achieve these claims, the claims patentably define over the cited art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §103.

Conclusion

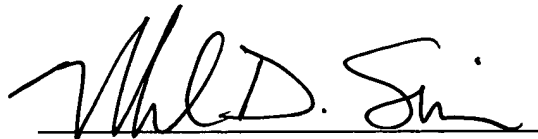
The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Enclosed herewith, in duplicate, is a Petition for extension of time to respond to the Examiner's Action, along with a Credit Card Payment Form authorizing payment of the extension fee. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

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Date



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